

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2005-1395-PWS-E TCEQ ID: RN104574470 CASE NO.: 26366**  
**RESPONDENT NAME: KENT J. MIGUEZ DBA MIGUEZ TRAILER PARK**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 18121 Austin Drive, Winnie, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Public water system</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There have been two complaints regarding this facility. The complaints alleged that the Respondent was serving "dirty water". There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> The complainants have not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p>    <b>TCEQ Attorney:</b> Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617                             Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p>    <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012</p> <p>    <b>TCEQ Regional Contact:</b> Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838</p> <p>    <b>Respondent:</b> Mr. Kent J. Miguez, Owner, Miguez Trailer Park, 18121 Austin Drive, Winnie, Texas 77665</p> <p>    <b>Respondent's Attorney:</b> Ms. Christy Amuny, Jenkins &amp; Martin, L.L.P., P.O. Box 26008, Beaumont, Texas 77720-6008</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b>  April 2, 2005 and April 26, 2005</p> <p><b>Dates of Investigation Relating to this Case:</b>  May 5, 2005</p> <p><b>Date of NOE Relating to this Case:</b>  June 30, 2005</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on October 30, 2006. An Answer was filed on November 20, 2006, and the case was referred to SOAH on February 23, 2007. A settlement agreement was reached with the Respondent and a signed Agreed Order was received on November 15, 2007.</p> <p><b>Current Compliance Status:</b></p> <p>In compliance.</p> <p><b>PWS:</b></p> <p>1. Failed to receive written approval of plans and specifications before beginning construction on a new public water system [30 TEX. ADMIN. CODE § 290.39(h)(1) and TEX. HEALTH &amp; SAFETY CODE § 341.035].</p> <p>2. Failed to install disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(2) and TEX. HEALTH &amp; SAFETY Code § 341.031].</p>	<p><b>Total Assessed:</b> \$1,050</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$106/\$944</p> <p>The Respondent has paid \$106 of the administrative penalty. The remaining amount of \$944 of the administrative penalty shall be payable in 8 monthly payments of \$105 each and one payment of \$104.</p> <p><b>Site Compliance History Classification:</b>  N/A</p> <p><b>Person Compliance History Classification:</b>  N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action Taken:</b></p> <p>The Executive Director recognizes that the Respondent disconnected a total of six unoccupied mobile homes from the Facility in response to this enforcement action, decreasing the number of total connections to ten and the number of people served by the water system to 23, so that the system supplying water to the remaining mobile homes is no longer operating as a public water system.</p>

Backup Updated 2005-1395-PWS-E-qop Kent Miguez-qop

## Penalty Calculation Worksheet (PCW)



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	05-Jul-2005	<b>Screening</b>	21-Jul-2005	<b>EPA Due</b>	
	<b>PCW</b>	21-Mar-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Kent J. Miguez dba Miguez Trailer Park
<b>Reg. Ent. Ref. No.</b>	RN104574470
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	26366	<b>No. of Violations</b>	2
<b>Docket No.</b>	2005-1395-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Rebecca Clausewitz
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,050
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#### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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**Notes** No enhancement because the respondent did not receive any NOV's or orders in the past five years.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

**Notes** The respondent is not yet in compliance.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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<b>Total EB Amounts</b>	\$195
<b>Approx. Cost of Compliance</b>	\$3,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,050
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	\$1,050
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,050
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<b>DEFERRAL</b>		<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** No deferral is offered with non-expedited cases.

<b>PAYABLE PENALTY</b>	\$1,050
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Screening Date 21-Jul-2005 Backup Updated: 2005-1395-PWS-E-ccp-Kent Miguez.cpw  
Docket No. 2005-1395-PWS-E

PCW

Respondent Kent J. Miguez dba Miguez Trailer Park

Policy Revision 2 (September 2002)

Case ID No. 26366

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574470

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No enhancement because the respondent did not receive any NOVs or orders in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date

21-Jul-2005

Docket No.

2005-1395-PWS-E

PCW

Respondent Kent J. Miguez dba Miguez Trailer Park

Policy Revision 2 (September 2002)

Case ID No. 26366

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574470

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

1

Primary Rule Cite(s)

30 Texas Admin. Code § 290.39(h)(1)

Secondary Rule Cite(s)

Texas Health &amp; Safety Code § 341.035

Violation Description

Failure to receive written approval of plans and specifications before beginning construction on a new public water system, as documented during an investigation conducted on May 5, 2005.

Base Penalty

\$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

		Harm		
Release		Major	Moderate	Minor
Actual				
Potential				

Percent

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

The respondent failed to comply with 100% of the rule requirement.

Adjustment

-\$900

Base Penalty Subtotal

\$100

## Violation Events

Number of Violation Events

3

mark only one  
use a small x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

\$300

Three monthly events are recommended from the date of the inspection, May 5, 2005, to the date of screening, July 21, 2005.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount

\$45

Violation Final Penalty Total

\$300

This violation Final Assessed Penalty (adjusted for limits)

\$300

**Economic Benefit Worksheet**

Respondent: Kent J. Miguez dba Miguez Trailer Park  
 Case ID No. 26366  
 Reg. Ent. Reference No. RN104574470  
 Media [Statute] Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	05-May-2005	31-Mar-2006	0.9	\$45	n/a	\$45
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount required to receive written approval of plans and specifications before beginning construction on a new public water system, calculated from the date of investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$45

Screening Date 21-Jul-2005

Backup Updated-2005-1395-PWS-E-gcp-Kent Miguez.gpw  
Docket No. 2005-1395-PWS-E

PCW

Respondent Kent J. Miguez dba Miguez Trailer Park

Policy Revision 2 (September 2002)

Case ID No. 26366

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574470

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Primary Rule Cite(s) 30 Texas Admin. Code § 290.42(e)(2)

Secondary Rule Cite(s) Texas Health &amp; Safety Code § 341.031

Violation Description Failure to install disinfection equipment so that continuous and effective disinfection can be secured under all conditions, as documented during an investigation conducted on May 5, 2005.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

		Harm			Percent
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential	X			25%

## &gt;&gt; Programmatic Matrix

		Falsification			Percent
		Major	Moderate	Minor	
Matrix Notes		Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			

Adjustment -\$750

Base Penalty Subtotal \$250

## Violation Events

Number of Violation Events 3

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

Three monthly events are recommended from the date of the inspection, May 5, 2005, to the date of screening, July 21, 2005.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

**Economic Benefit Worksheet**

Respondent: Kent J. Miguez dba Miguez Trailer Park  
 Case ID No. 26366  
 Reg. Ent. Reference No. RN104574470  
 Media [Statute] Public Water Supply  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	05-May-2005	31-May-2006	1.1	\$7	\$143	\$150
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount required to install disinfection equipment so that continuous and effective disinfection can be secured under all conditions, calculated from the date of investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$150



## Compliance History

Customer/Respondent/Owner-Operator:	CN602816159	Kent J Miguez	Classification: N/A	Rating: 0.00
Regulated Entity:	RN104574470	Miguez Trailer Park	Classification: N/A	Site Rating: 0.00
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1230099
Location:	18121 Austin Drive, Winnie			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	July 20, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 20, 2000 to July 20, 2005			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Joseph Daley	Phone:	239-3308	

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

N/A

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KENT J. MIGUEZ DBA MIGUEZ  
TRAILER PARK;  
RN104574470**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2005-1395-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kent J. Miguez dba Miguez Trailer Park ("Mr. Miguez") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Miguez represented by Christy Amuny of the law firm of Jenkins & Martin, L.L.P., appear before the Commission and together stipulate that:

1. At the time of the violations, Mr. Miguez owned and operated a public water system at a mobile home park located at in 18121 Austin Drive in Winnie, Jefferson County, Texas (the "Facility") that had 16 service connections and served at least 25 people per day for at least 60 days per year.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Mr. Miguez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Miguez is subject to the Commission's jurisdiction.
4. Mr. Miguez received notice of the violations alleged in Section II ("Allegations") on or about July 5, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Miguez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Miguez has paid one hundred six dollars (\$106.00) of the administrative penalty. The remaining amount of nine hundred forty-four dollars (\$944.00) of the administrative penalty shall be payable in 8 monthly payments of one hundred five dollars (\$105.00) each and one monthly payment of one hundred four dollars (\$104.00). The first monthly payment of one hundred five dollars (\$105.00) shall be paid within 30 days after the effective date of this Agreed Order. The subsequent 7 monthly payments of one hundred five dollars (\$105.00) each and 1 monthly payment of one hundred four dollars (\$104.00) shall each be paid not later than 30 days following the due date of the previous payment. If Mr. Miguez fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Miguez to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Miguez to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Miguez have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Miguez disconnected a total of six unoccupied mobile homes from the Facility in response to this enforcement action, decreasing the number of total connections to ten and the number of people served by the water system to 23, so that the system supplying water to the remaining mobile homes is no longer operating as a public water system, as defined by TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Miguez has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

Mr. Miguez, as owner and operator of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 290.39(h)(1) and TEX. HEALTH & SAFETY CODE § 341.035 by failing to receive written approval of plans and specifications before beginning construction on a new public water system, as documented during an investigation conducted on May 5, 2005.
2. 30 TEX. ADMIN. CODE § 290.42(e)(2) and TEX. HEALTH & SAFETY CODE § 341.031 by failing to install disinfection equipment so that continuous and effective disinfection can be secured under all conditions, as documented during an investigation conducted on May 5, 2005.

## III. DENIALS

Mr. Miguez generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Miguez pay administrative penalties as set forth in Section I, Paragraph 6 above. The payment of these administrative penalties and Mr. Miguez's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be sent with the notation "Re: Kent J. Miguez dba Miguez Trailer Park; Docket No. 2005-1395-PWS-E"; Enforcement ID No. 26366 to:

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

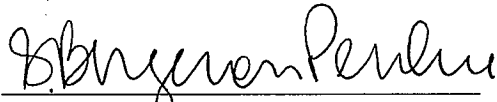
2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Miguez.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Miguez in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Miguez, or three days after the date on which the Commission mails notice of the Order to Mr. Miguez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

1/14/2008

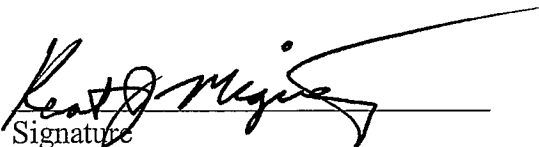
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-9-07

Date

Kent J. Miguez

Name (Printed or typed)

owner

Title

Authorized representative of

Kent J. Miguez dba Miguez Trailer Park